

REMARKS / ARGUMENTS

The present application includes pending claims 1-32, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,502,193, issued to Barber (hereinafter "Barber").

RESPONSE TO FINAL OFFICE ACTION ARGUMENTS

The Applicant asserts that claims 1-32 define patentable subject matter, and respectfully requests that the objections to claim 1-32 are withdrawn, in view of at least the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Barber Does Not Anticipate Claims 1-32

The Applicant now turns to the rejection of claims 1-32 under 35 U.S.C. 102(e) as being anticipated by Barber. With regard to the anticipation rejections under 102(e), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102 (e)

With regard to the rejection of independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e), the Applicant submits that Barber does not disclose or suggest at least the limitation of:

acquiring a security code, receiving media containing said security code, translating said security code to an IP address corresponding to said second communication device and routing said received media to said second communication device based on said IP address of said second communication device, said IP address of said second communication device remaining anonymous to said first communication device.

as stated by the Applicant in claim 1, for example. The Office Action refers to a single reference in Barber, column 5, line 41 to column 7, line 18, comprising over 1,100 words, for support. After reading the cited passage in Barber several times, the Applicant fails to see how this passage anticipates the Applicant’s claims. The Office Action does not offer an interpretation of the cited reference, or suggest how the cited passage in Barber may read on the Applicant’s claim limitations.

Initially, the Applicant notes that Barber appears to disclose a security system for controlling access to data or software processes, and not a method for

secure communication of information in a communication network, as claimed by the Applicant. The Applicant fails to see how Barber, column 5, line 41 to column 7, line 18 anticipates the Applicant's claim limitations cited above. The Examiner is respectfully requested to provide a more detailed analysis of Barber, column 5, line 41 to column 7, line 18, to highlight how it reads on the Applicant's claim limitation.

The Applicant further notes that the Office Action states that Barber, column 5, line 41 to column 7, line 18 anticipates "acquiring a security code" and "receiving media containing said security code", and not "acquiring a security code *from a second communication device by a first communication device*" and "receiving media containing said security code *from said first communication device*," as claimed by the Applicant. In accordance with MPEP §2131, cited above, "**each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Office Action does however not show each and every element, and for this reason alone the rejection to independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e) should be withdrawn, and the claim should be made allowable.

Furthermore, the Applicant notes that at least the following key terms from the Applicant's claim limitation are not used in Barber, column 5, line 41 to column 7, line 18: "security code", "communication", "media", "address", and "anonymous." The Applicant thus fails to see how Barber, column 5, line 41 to column 7, line 18

reads on the Applicant's claim limitation comprising the above key words. The Office Action does not provide any further information that would allow to understand how Barber, column 5, line 41 to column 7, line 18 may anticipate these terms, and the corresponding claim limitations.

The Applicant points out that the burden of proof lies with the Examiner and re-states the following passage from MPEP § 2106(II):

Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved.

In the Applicant's opinion, the Examiner fails to clearly explain and point out the above rejection. Based on at least the arguments set forth above, the Applicant believes to have overcome the rejection of claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. §102(e) as being anticipated by Barber. Accordingly, the Applicant respectfully requests the rejection of claims 1, 5, 9, 14, 20, and 26 to be withdrawn, and the claims be made allowable. The Applicant reserves the right to argue further reasons beyond those set forth above to support the allowability of claims 1, 5, 9, 14, 20, and 26.

B. Rejection of Dependent Claims 2-4, 6-8, 10-13, 15-19, 21-25, and 27-32

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e) as being anticipated by Barber has been overcome and request that the rejection be withdrawn. Additionally, claims 2-4, 6-8, 10-13, 15-19, 21-25, and 27-32 depend from independent claims 1, 5, 9, 14, 20, and 26, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-32.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-32 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8105.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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